

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Servants - CT Department - Surprise Check conducted on 01-02-2016 over Border Check Post, Tatiyakulagudem (V), Jeelugumilli Mandal, West Godavari District- Allegations of collection of bribes against Sri Manikonda Surya Prakasa Rao, Assistant Commercial Tax Officer, O/o C.T.O., Eluru and others - Certain irregularities noticed - Articles of charges against Sri T. Subrahmanyam, Administrative Officer / DCTO, O/o. CTO, Akividu, West Godavari District, overall In-charge of Commercial Taxes Border Check Post, Jeelugumilli, West Godavari District under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Orders - Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.1024

Dated:11.10.2019

Read the following:-

- Ref:- 1. From the DG, ACB, Lr.No.17/DES-EWG/2016, Dt:30-11-2017.
2. Govt.Memo No.17023/36 /2016-Vig.II-2, dated:01-02-2018.
3. From the DG,ACB, Lr.No.17/DES-EWG/2016, Dt:22.04.2019.

ORDER :

It is proposed to hold an enquiry against Sri T. Subrahmanyam, Administrative Officer / Deputy Commercial Tax Officer, O/o. Commercial Tax Officer, Akividu, West Godavari District, overall In-charge of Commercial Taxes Border Check Post, Jeelugumilli, West Godavari District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 on the allegation of corruption during the Surprise Check conducted by the ACB Authorities on 1.02.2016 over Border Check Post, Tatiyakulagudem(V), Jeelugumilli Mandal, West Godavari District.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri T. Subrahmanyam, Administrative Officer / Deputy Commercial Tax Officer, O/o. Commercial Tax Office, Akividu, West Godavari District, overall In-charge of Commercial Taxes Border Check Post, Jeelugumilli, West Godavari District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri T. Subrahmanyam, Administrative Officer / Deputy Commercial Tax Officer, O/o. Commercial Tax Office, Akividu, West Godavari District, overall In-charge of Commercial Taxes Border Check Post, Jeelugumilli, West Godavari District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

(P.T.O)

6. Attention of Sri T. Subrahmanyam, Administrative Officer / Deputy Commercial Tax Officer, O/o. Commercial Tax Office, Akividu, West Godavari District, overall In-charge of Commercial Taxes Border Check Post, Jeelugmilli, West Godavari District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri T. Subrahmanyam, Administrative Officer/DCTO, O/o. CTO, Akividu, West Godavari District, overall In-charge of Commercial Taxes Border Check Post, Jeelugmilli, West Godavari District (w.e, Annexures-I to IV) through the Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada (with a request to serve the order on the individual and send the served copy with dated signature to Government).

The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to:

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE - I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI TOLETI SUBRAHMANYAM, S/o SREERAMA MURTHY, 44 YEARS, ADMINISTRATIVE OFFICER / DCTO, O/o CTO, AKIVIDU, WEST GODAVARI DISTRICT, OVERALL IN-CHARGE OF COMMERCIAL TAXES BORDER CHECK POST, JEELUGUMILLI, WEST GODAVARI DISTRICT.

That Sri Toleti Subrahmanyam worked as Administrative Officer / Deputy Commercial Tax Officer, O/o Commercial Tax Officer, Akividu West Godavari District and overall in-charge of Commercial Taxes Border Check post, Jeelugumilli, West Godavari District. He joined in Government Service on 26-02-2005 as Assistant Commercial Tax Officer, in Commercial Taxes Department, West Godavari District, and promoted as Deputy Commercial Tax Officer on 17.09.2010 and working as such at Border Check Post, Jeelugumilli from 25.01.2016 to 01.02.2016 (i.e., till the date of searches). While working as such during afore said period, he has committed grave misconduct in as much as:

CHARGE -I: That Sri Toleti Subrahmanyam as over all in-charge of Commercial Taxes Border Check Post, Tatiyakula gudem (v), Jeelugumilli Mandal exhibited slack supervision over the functioning of check post and the check post staff and failed to curb corrupt activities of the check post officers and staff, working under him.

Thus, Toleti Subrahmanyam, Deputy Commercial Tax Officer, Overall In charge of Commercial Taxes Boarder Check Post, Jeelugumilli, West Godavari District by his above mentioned acts has exhibited slack supervision and thereby contravened Rule 3(5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF CHARGES FRAMED AGAINST SRI TOLETI SUBRAHMANYAM, S/O SREERAMA MURTHY, 44 YEARS, ADMINISTRATIVE OFFICER / DCTO, O/o CTO, AKIVIDU, WEST GODAVARI DISTRICT, OVERALL IN-CHARGE OF COMMERCIAL TAXES BORDER CHECK POST, JEELUGUMILLI, WEST GODAVARI DISTRICT.

That Sri Toleti Subrahmanyam, worked as Administrative Officer / Deputy Commercial Tax Officer, O/o Commercial Tax Office, Akividu, West Godavari District and overall in-charge of Commercial Taxes Border Check post, Jeelugumilli, West Godavari District is a native of Yenugupalli (v) of P.Gannavaram (M), East Godavari District. His date of birth is 06-02-1972. He entered in Government Service as Assistant Commercial Tax Officer on 26.02.2005 at Gudivada of Krishna District and presently working as such at Border Check Post, Jeelugumilli from 25.01.2016 to 01.02.2016 (i.e. till the date of searches). His date of retirement on attaining the age of superannuation is 28-02-2032.

CHARGE - I :

That Sri Toleti Subrahmanyam as over all in-charge of Commercial Taxes Border Check Post, Tatiyakula gudem (v), Jeelugumilli Mandal exhibited slack supervision over the functioning of check post and the check post staff and failed to curb corrupt activities of the check post officers and staff, working under him.

FACTS & EVIDENCE :

On receiving credible information that the officers and staff of Andhra Pradesh Commercial Taxes Check Post, Tatiyakulagudem, Jeelugumilli Mandal, West Godavari district by abusing their official positions habitually collecting bribes directly and also through private persons from the drivers / owners of goods vehicles passing through the check post without collecting due taxes for violations and thus causing loss to the Government exchequer. On receiving the aforesaid information, a surprise check was conducted as stated below:

On 31.01.2016 at 2200 hours, the Surprise check party consisting of Sri K.Rajendra Rao, Deputy Superintendent of Police, Sri U.J.Wilson, Range Inspector and other Anti Corruption Bureau staff along with two mediators Sri Mallarapu Venkata Narasimha Rao, Occ: Head Master, ZPH School, Kothula Gokavaram, Lingapalem Mandal, West Godavari District and Sri Maddirala Sashi Kapoor, Occ: Junior Assistant, O/o District Educational Officer, West Godavari District, Eluru and Anti Corruption Bureau officials along with the mediators left the Anti Corruption Bureau office on 31-01-2016 at 2300 hrs and reached the vicinity of State Border Check Post, Tatiyakulagudem Village of Jeelugumilli Mandal at 02:30 hrs on 01.02.2016 and proceeded to the Commercial Taxes border check post point which was being run in a thatched hut. The Surprise Check Party entered into the Commercial Taxes check post, Tatiyakulagudem (V), Jeelugumilli (M) at about 0300 hours on 01-02-2016.

The check post is located on the western side of the State High Way No.05 (running from North to South) from Aswaraopet to Jeelugumilli in a thatched but without any compound wall / fencing. They found four male persons sitting on chairs whereas another male person was found standing outside of the check post and stopping vehicles by blowing whistle. He was directing drivers, collecting some cash from them and in turn handing over the same to a person who sat in the check post. They also found that one desk top computer, printer and chairs were available in the check post.

The Deputy Superintendent of Police disclosed his identity as well as the identity of the other members of search party and the purpose of their visit to the persons present in the Check post. On the request of the Deputy Superintendent of Police, the said persons disclosed their identity as 1) Sri Manikonda Surya Prakasa Rao, Assistant Commercial Tax Officer, O/o Commercial Tax Office, Eluru Commercial Taxes Border Check post, Jeelugumilli, West Godavari district, 2) Sri Palli Venkata Ramana Murthy, Junior Assistant, O/o Commercial Tax Office, Nidadavole, Eluru, Commercial Taxes Border Check post, Jeelugumilli, West Godavari district, 3) Sri Ravuri Kanaka Durga Prasad, Junior Assistant, O/o Commercial Tax Officer, Bhimavaram, Commercial Taxes Border Check post, Jeelugumilli, West Godavari district, 4) Sri S. Pothu Raju, Office Subordinate, O/o. Commercial Taxes Check Post, Jeelugumilli, West Godavari district and 5) Sri Kaki Appa Rao, Occ: Tea Stall operator, Tatiyakulagudem (v), Jeelugumilli Mandal (Private Person).

The Deputy Superintendent of Police also requested them to co-operate with the search party and allow them to search them, their belongings and the check post. During the search cash of Rs.50,000/- was found with private person Sri Kaki Appa Rao, S/ o Sri Kasu, 60 yrs, occ: Tea Stall operator, Tatiyakulagudem, Jeelugumilli. Sri S. Pothu Raju, Office Subordinate of check post was found in possession of Rs.2,000/- and Rs. 23,970/- was found in the right side drawer of the computer table.

On examination Sri Kaki Appa Rao, 60 yrs, Tatiyakulagudem, Jeelugumilli Mandal, stated that he is a native of Tatiyakulagudem and he is running a tea stall located on the right side of the check post. The officials of the check post would habitually collect bribes from lorry drivers and keep the same with him. The officials would distribute the bribe amount among themselves before leaving for the check post. All batches of officers of the said check post used him as a custodian of their bribe amount/unauthorized cash. In turn, they would give Rs.2,000/- to Rs.3,000/- to him. He further stated that usually they would collect up to Rs.1 lakh every day i.e, from 8 A.M. to next day 8 A.M. etc facts.

On examination Sri Srungavruksham Pothu Raju, 49 years, Office subordinate, Commercial Taxes Check post, Jeelugumilli, stated that he has been working as office subordinate since 9.12.2015. 1-Assistant Commercial Tax Officer, 2-Junior Assistants, and 2-office subordinates will be on duty for 24 hours from 8 A.M. to next day 8 A.M. They have four shift duties and the staff would perform their duties on shift basis from 8 AM to next day 8 AM (24 hours) etc facts.

On examination Sri Palli Venkata Ramana Murthy, 47 years, Junior Assistant, O/o Commercial Tax Office, Nidadavole, Commercial Taxes Border Check post, stated that he has been working as Junior Assistant in the O/o Commercial Tax Officer, Nidadavole. He was deputed to the check post in the month of November, 2015. On 31.01.2016 at 8 A.M., he along with Assistant Commercial Tax Officer, another Junior Assistant and Office Subordinate took charge of check post from the earlier shift. He used to enter way bills and data of incoming and outgoing Transit Pass in the registers and etc facts.

On examination Sri Ravuri Kanaka Durga Prasad, 54 years, Junior Assistant, O/o Commercial Tax Officer, Bhimavaram, Commercial Taxes Border Check post, Jeelugumilli, West Godavari district, stated that he has been working as Junior Assistant in the O/o Commercial Tax Office, Bhimavaram. He was deputed to the check post in the month of November, 2015. On 31.01.2016 at 8 A.M., he along with Assistant Commercial Tax

Office, another Junior Assistant and Office Subordinate took charge of check post from the earlier shift. He used to enter way bills and data of incoming and outgoing Transit Pass in the registers and etc facts.

On examination Sri Manikonda Surya Prakasa Rao, Assistant Commercial Tax Officer, O/o Commercial Tax Office, Eluru, Commercial Taxes Border Check post, Jeelugumilli, West Godavari district stated that he has been working as Assistant Commercial Tax Officer in the O/o Commercial Tax Office, Eluru from 2013. He is acting as shift in-charge at Jeelugumilli Check post since 28.12.2015. 1-Assistant Commercial Tax Officer, 2-Junior Assistants and 2-office subordinates will be on duty for 24 hours i.e., from 8 A.M. to next day 8 A.M. They have four shifts and the staff would perform their duties on shift basis from 8 A.M. to next day 8 A.M. He further stated that this check post was opened on 01.04.2015 with the strength of one Deputy Commercial Tax Officer, seven Assistant Commercial Tax Officers, eight Junior Assistants and eight Office subordinates. All of them work on deputation basis because permanent staff for the check post had not been recruited till date. Deputy Commercial Tax Officer / Administrative Officer is overall in-charge of the check post. He would be present from 10.30 AM to 0500 PM every day. The average traffic of goods vehicles per day from two sides is about 450 while average income/revenue per day would be one lakh rupees through taxes under CST Act 1956, AP VAT Act. 2005 and AP Entry Act. 1987. He further stated that he joined shift duty at 8 A.M. on 31.01.2016 along with two Junior Assistants and that one office subordinate while another office subordinate Sri S.Mohan was absent.

The Deputy Superintendent of Police examined the following drivers who came to the Check Post for verification of records and paying bribes to the check post staff was secured at random and recorded their statements.

1. Sri Bhimidi Venkata Reddy, S/o Sri Srinivasa Reddy, Age: 30 years, Occ: Lorry Driver, r/o Saidabad (v), Chowtuppal Mandal, Nalgonda District, Mob: 9948247679, Vehicle No.AP29TB 2480.
2. Sri Pasupuleti Satyanarayana, S/o Sri Venkataiah, Age: 52 years, Occ: Lorry Driver, r/o. Chanduru Village & Mandal, Nalgonda Dist., Mob: 9949667099, Vehicle No. AP29TB 3159.
3. Sri Adapa Ganapathi Rao, S/o Sri Ranga Rao, Age:45 years, Occ: Driver, r/o. Naaguluru(v), Vissannapet, Reddygudem Mandal, Krishna District, Mob: 8978600758, Vehicle No.AP20V6416.
4. Sri Pinjari Khaja S/o Sri Bade Saheb, Age: 46 years, Occ: Driver, r/o. Santhosh Nagar, Kurnool Town, Kurnool district, Mob: 9885082496.

On examination the above four lorry drivers, they unanimously stated that payment of bribe has been a regular practice there and if they did not agree to pay the bribe, the officials of check post would not allow them to move forward though they would be carrying necessary records. They added that they were forced to pay Rs.20/- to Rs.500/- as bribe to avoid delay in transportation etc facts.

In the mean time, at about 0830 hrs on 01.02.2016, the Government Servant came to check post. On examination, he stated that he took charge of the check post on 25.01.2016. His duty hours at the check post were from 10.30 AM to 5 PM every day while remaining staff would perform their duties by shift and turn basis from 8 AM to 8 AM (24 hours) one Assistant Commercial Tax Officer, Two Junior Assistants and two office subordinates would be on duty at each shift. He further stated that every vehicle which would come from Telangana would be issued Transit pass receipt for user charges under rule 58 (2) of APVAT Rules, 2005. For this purpose, Rs.50/- would have to be

collected for each Transit Pass (TP) and the same would have to be remitted to the Govt. but it was not being done. 32,330 TPs were issued from April, 2015 and he had no knowledge about the irregularities that took place on the previous night.

On perusal of registers relating to issuing of Transit passes from the date of starting of check post, it was found that 32,330 Transit passes were issued to goods vehicles. But the user charges which should have been (32,330 x Rs.50) i.e. Rs.16,16,500/- have been remitted to the Government. But the same was not done so far. As a result, Government incurred loss of Rs.16,16,500/-.

The Deputy Superintendent of Police seized the unauthorized amount of Rs.75,970/- and seized the above records after the same were duly attested by the Adm. Officer / Deputy Commercial Tax Officer, Commercial Taxes Border Check Post, Jeelugumilli, mediators and Deputy Superintendent of Police.

The following findings were found during Surprise Check:

1. Surprise Check team found four male persons sitting on chairs in a thatched but close to the check post. The team found one male person standing outside the check post, stopple vehicles by whistling, directing drivers of vehicles, collecting cash from them and handing the cash to one private person sitting inside the check post.
2. Rs.50,000/- of unaccounted cash was seized from the possession of Sri Kaki Appa Rao who was found to be present in the check post.
3. Sri Kaki Appa Rao admitted before mediators that the officials of the check post would habitually collect bribes from the lorry drivers, keep the bribe with him (using him as custodian of bribe) and distribute bribe among themselves before leaving check post after duty hours. He added that he would collect bribe upto Rs.1 lakh/day.
4. Unaccounted cash of Rs.2,000/- was found with one office subordinate Sri S. Pothu Raju.
5. Unaccounted cash of Rs.23,970/- was seized from the right side drawer of a computer table kept in the check post.
6. Four lorry drivers who were examined during the surprise check stated before the mediators that they would be compelled by the officials of the check post to routinely pay bribe of Rs.20/- to Rs.500/- per vehicle even though they would carry all necessary vehicle records.
7. User charges of Rs.16,16,500/- was not collected and remitted to Government treasury although 32,330 transit passes were issued, thus causing loss to the Government.

Thus, the Government Servant slack of supervision and thereby contravened Rule 3(1) (2) & 3(5) of Andhra Pradesh Civil Service (C) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI TOLETI SUBRAHMANYAM S/O SREERAMA MURTHY, 44 YEARS, ADMINISTRATIVE OFFICER / DCTO, O/o CTO, AKIVIDU, WEST GODAVARI DISTRICT, OVERALL IN-CHARGE OF COMMERCIAL TAXES BORDER CHECK POST, JEELUGUMILLI, WEST GODAVARI DISTRICT

1. Original Mediators Report (Surprise check proceedings) drafted Andhra Pradesh Commercial Taxes Department Border check post Tatiyakulagudem (v), Jeelugumilli Mandal, West Godavari District in Rc.No.2/SC-EWG/2016 dated 01.02.21016.
2. Attendance Register Maintained from 06.10.2015 TO 01.02.2016.
3. Personal Cash Register.
4. Entry Transit Pass Register 2015-16.
5. Exit Transit Pass Register 2015-2016.
6. Incoming Way Bill Register 2015-16.
7. Outgoing Way Bill Register 2015-16.
8. Receipt for payment of money in cash.
9. Cash Book Register 2015-16.
10. Original Receipt of Transit Pass issued at Purushottapuram check post:
11. Any other documents those may be produced during the course of conducting departmental enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOME THE ARTICLES OF CHARGES FRAMED AGAINST SRI TOLETI SUBRAHMANYAM S/O SREERAMA MURTHY, 44 YEARS, ADMINISTRATIVE OFFICER / DCTO, O/o CTO, AKIVIDU, WEST GODAVARI DISTRICT, OVERALL IN-CHARGE OF COMMERCIAL TAXES BORDER CHECK POST, JEELUGUMILLI, WEST GODAVARI DISTRICT

1. Sri Mallarapu Venkata Narasimha Rao S/o Mallikharjuna Rao, Age: 58 years, Occ: Head Master, ZPH School, Kothula Gokavaram, Lingapalem Mandal, W.G.Dist., R/o D.No: 12-52, Xavier Nagar, SBI Colony, Eluru, W.G.District.
2. Sri Maddirala Sashi Kapur,, S/o M. Devamani, Age: 27 years, Occ: Jr. Assistant, O/o Dist. Educational Officer, WG., Eluru, R/o Nuzividu Road, Near Boys Hostel, Sanivarapupet, Eluru, W.G.District.
3. Sri Kaki Appa Rao, S/o Kasu, 60 yrs, Occ: Tea Stall, Tatiyakulagudem (v), Jeelugumilli Mandal (Private Person).
4. Sri Bhimidi Venkata Reddy, S/o Srinivasa Reddy, Age: 30 years, Occ: Lorry Driver, Saidabad (v), Chowtuppal Mandal, Nalgonda Dist., Mob: 9948247679, Vehicle No.AP29TB 2480.
5. Sri Pasupuleti Satyanarayana, S/o Venkataiah, Age: 52 years, Occ: Lorry Driver, Chanduru Village 86 Mandal, Nalgonda Dist., Mob: 9949667099, Vehicle No. AP29TB 3159.
6. Sri Adapa Ganapathi Rao, S/o Ranga Rao, Age:45 years, Occ: Driver, Naaguluru(v), Vissannapet, Reddygudem Mandal, Krishna District, Mob:8978600758, Vehicle No.AP20V6416.
7. Sri Pinjari Khaja S/o Bade Saheb, Age: 46 years, Santhosh Nagar, Karnool Town, Mob: 9885082496.
8. Sri K. Rajendra Rao, DSP, ACB, Eluru Range, Eluru.
9. Sri.U.J.Wilson, Inspector of Police, Anti-Corruption Bureau, Eluru Range, Eluru.
10. Any other witnesses they may be added during the course of enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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